

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM and SANDRA
McCOLLUM, individually, and
STEPHANIE KINGREY, individually and
as independent administrator of the
ESTATE OF LARRY GENE
McCOLLUM,
Plaintiffs,

V.

BRAD LIVINGSTON, et al.,
Defendants.

[illegible]

CIVIL ACTION NO. 4:14-cv-03253

DEFENDANT UTMB'S UNOPPOSED MOTION FOR AN EXTENSION OF THE DISPOSITIVE MOTION DEADLINE

Defendant, the University of Texas Medical Branch, files this unopposed motion for an extension of the dispositive motion deadline. In support thereof, the UTMB shows as follows:

On August 26, 2015, this Court entered a scheduling order stating dispositive motions shall be filed no later than March 7, 2016. D.E. 249. Then, on February 12, 2016, the dispositive motion deadline was extended by sixty (60) days. The deadline for dispositive motions is currently set for May 6, 2016. UTMB now seeks a twenty-eight (28) day extension.

On March 24, 2016, Plaintiffs indicated their intention to take the depositions of three UTMB employees, which have been scheduled for April 27th, and May 6th and 18th, based on the parties' and the lawyers' availability. The extension will accommodate those depositions, as well as provide adequate time to prepare dispositive motions after those depositions are taken. This request is not sought for the purposes of delay, but so that justice may be done.

Conclusion

UTMB, therefore, respectfully requests the Court grant their motion seeking a twenty-eight day extension of the dispositive motion deadline, so depositions may be accommodated, extending the deadline to June 3, 2016.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

JEFFREY C. MATEER

First Assistant Attorney General

JAMES E. DAVIS

Deputy Attorney General for Civil
Litigation

KAREN D. MATLOCK

Assistant Attorney General
Chief, Law Enforcement Defense Division

J. LEE HANEY

Attorney-in-Charge
Assistant Attorney General
Texas Bar No. 00784203
Federal I.D. No. 18544

SHANNA ELIZABETH MOLINARE

Assistant Attorney General
Texas Bar No. 24041506
Federal I.D. No. 38632

JENNIFER DANIEL

Assistant Attorney General
Texas Bar No. 24090063
Federal I.D. No. 2451063

/s/ Heather Rhea

HEATHER RHEA

Assistant Attorney General

Texas Bar No. 24085420

Federal I.D. No. 2399979

P.O. Box 12548, Capitol Station

Austin, Texas 78711

(512) 463-2080

(512) 936-2109 (Fax)

FERNELIUS ALVAREZ SIMON PLLC

GRAIG J. ALVAREZ

State Bar No. 24001647

Federal I.D. No. 22596

KARA STAUFFER PHILBIN

State Bar No. 24056373

Federal I.D. No. 685342

1221 McKinney Street, Suite 3200

Houston, Texas 77010

(713) 654-1200

(713) 654-4039 (Fax)

**ATTORNEYS FOR DEFENDANT
UNIVERSITY OF TEXAS MEDICAL
BRANCH**

CERTIFICATE OF CONFERENCE

By my signature, I certify that Assistant Attorney General J. Lee Haney conferred with counsel for Plaintiffs, Jeff Edwards, in person at the deposition of George Crippen in Conroe, Texas on March 24, 2016. Depositions were tentatively scheduled for April 25th and 27th, and May 5th and 6th. Based on those tentative dates, Mr. Edwards also confirmed that Plaintiffs were unopposed to the extension requested, to May 20, 2016, via e-mail on March 25, 2016. However, to accommodate Plaintiff counsel's schedule, the deposition of Dr. Danny Adams has been scheduled for May 18, 2016. Due to this deposition date, Plaintiff's counsel, Scott Medlock, conferred with AAG J. Lee Haney on April 11, 2016 via telephone, and agreed to an extension of the dispositive motion deadline to June 3, 2016.

/s/ Heather Rhea
HEATHER RHEA
Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, **Heather Rhea**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a correct copy of the foregoing in accordance with the Electronic Case Files System of the Southern District of Texas, on April 11, 2016.

/s/ Heather Rhea
HEATHER RHEA
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **Heather Rhea**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served on all counsel of record via electronic mail on April 11, 2016, as authorized by Fed. R. Civ. P. 5(b)(2) and in accordance with the electronic case filing procedures of the United States District Court for the Southern District of Texas.

/s/ Heather Rhea
HEATHER RHEA
Assistant Attorney General